

Planning Officer's Report – LDCA JANUARY 2020

APPLICATION	2019/100 – Construction of a Two Bedroom Dwelling
PERMISSION SOUGHT	Permission in Full
REGISTERED	6 th November 2019
APPLICANT	Neil Bennett
PARCEL	TH010061
SIZE	0.54 acres (2185m ²)
LAND OWNER	Neil Bennett
LOCALITY	Nr Former Head O'Wain Clinic, Blue Hill
ZONE	Green Heartland
CONSERVATION AREA	None
CURRENT USE	Vacant – Previously used as pasture land
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 8th November 2019▪ A site notice displayed in accordance with Regulations.
EXPIRY	22 nd November 2019
REPRESENTATIONS	None Received
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

- | | |
|-----------------------------|---------------------------------------------------------------|
| 1. Water Division | No Objection |
| 2. Sewage Division | No Objection |
| 3. Energy Division | No Response |
| 4. Fire & Rescue | No Response |
| 5. Roads Section | No Objection – Roads to be look at by the HA for site splays. |
| 6. Property Division | No Response |
| 7. Environmental Management | No Response |
| 8. Public Health | No Response |

9. Agriculture & Natural Resources	No Response
10. St Helena Police Services	Not Consulted
11. Aerodrome Safe Guarding	Not Consulted
12. Enterprise St Helena (ESH)	No Objection
13. National Trust	No Response

B. DEVELOPMENT DETAILS SUMMARY (approximate / rounded figures)

Parcel TH010061	:	2185m ²
Proposed Dwelling Footprint	:	129m ²
Plot Coverage	:	6%
Cut-Face Slope Height Vertical	:	3.0m

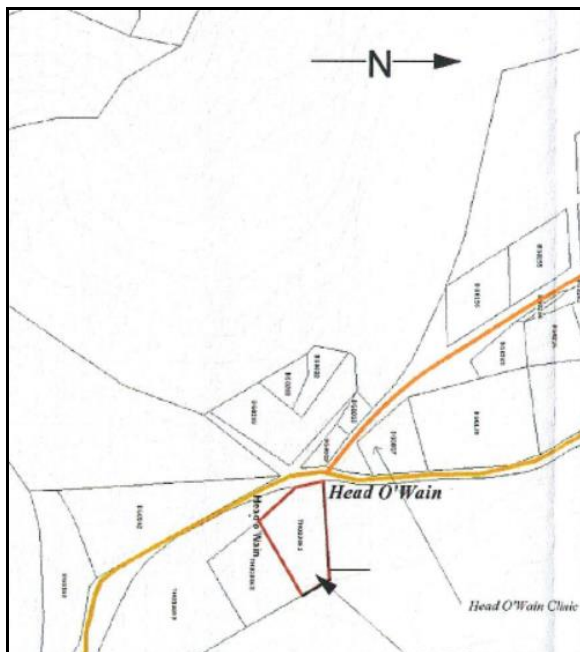
C. PLANNING OFFICER'S APPRAISAL

LOCALITY & ZONING

The development site is situated within the Head O'Wain area of Blue Hill, just south east of the former clinic, at the lower side of the main road.

This plot in particular is situated in the Greenheartland after the LDCP was adopted in 2012. The applicant purchased the land privately, however was un-aware of the restriction on development. He then submitted an application in 2016 (Reference 2016/52) for development permission to construct a two bedroom property. The application was refused on the grounds that no development was allowed to be constructed in the Greenheartland for residential purposes.

Diagram 1: Locality



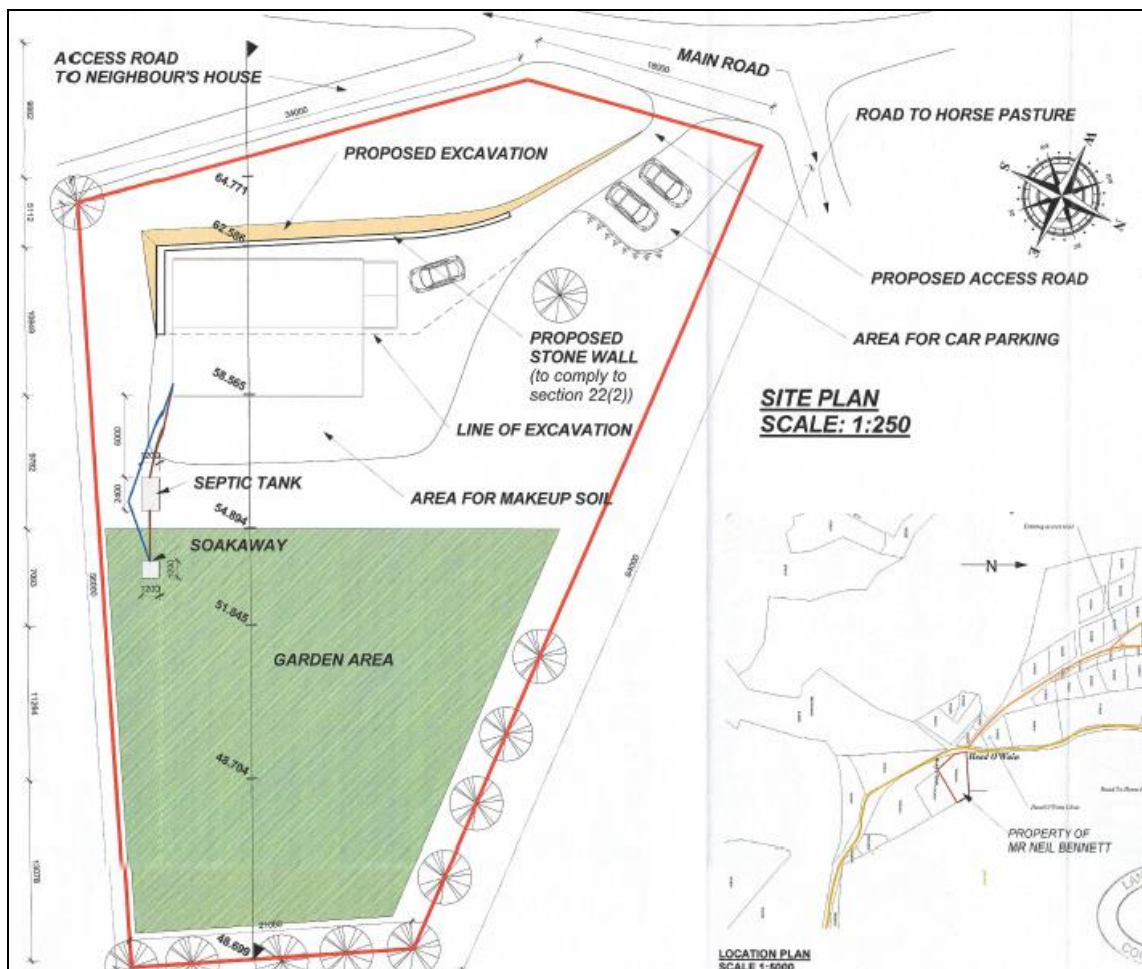
The LDCP Review Working Group responsible for reviewing and updating the LDCP 2012 has also been evaluating issues related to the redefined boundary that was adopted for the Green Heartland. This has resulted in a number of land owners being affected by these new boundaries, and their issues were not fully addressed. As an outcome of this review, the LDCP Review Working Group has resolved that those landowners who has purchased land to build a house prior to 2012 in the Intermediate Zone, now in the Green Heartland Zone, should be exempt from the Green Heartland Policy to enable them to build their residential property.

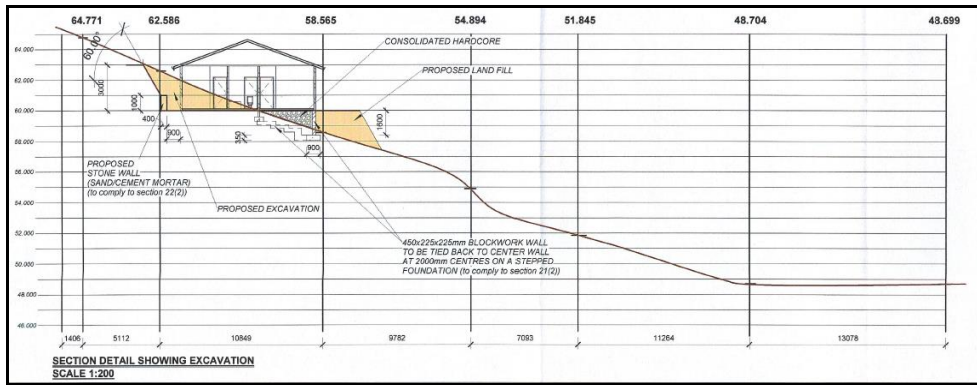
THE PROPOSAL

The application seeks full development permission to construct a two bedroom dwelling.

Access onto the site will be from the western corner of the plot boundary, via the main road. The road will traverse downwards onto the site in a south easterly direction. Cut and fill operation is proposed, which will result in a three metre vertical embankment, being created at a sixty degree angle.

Diagram 2: Site Plan

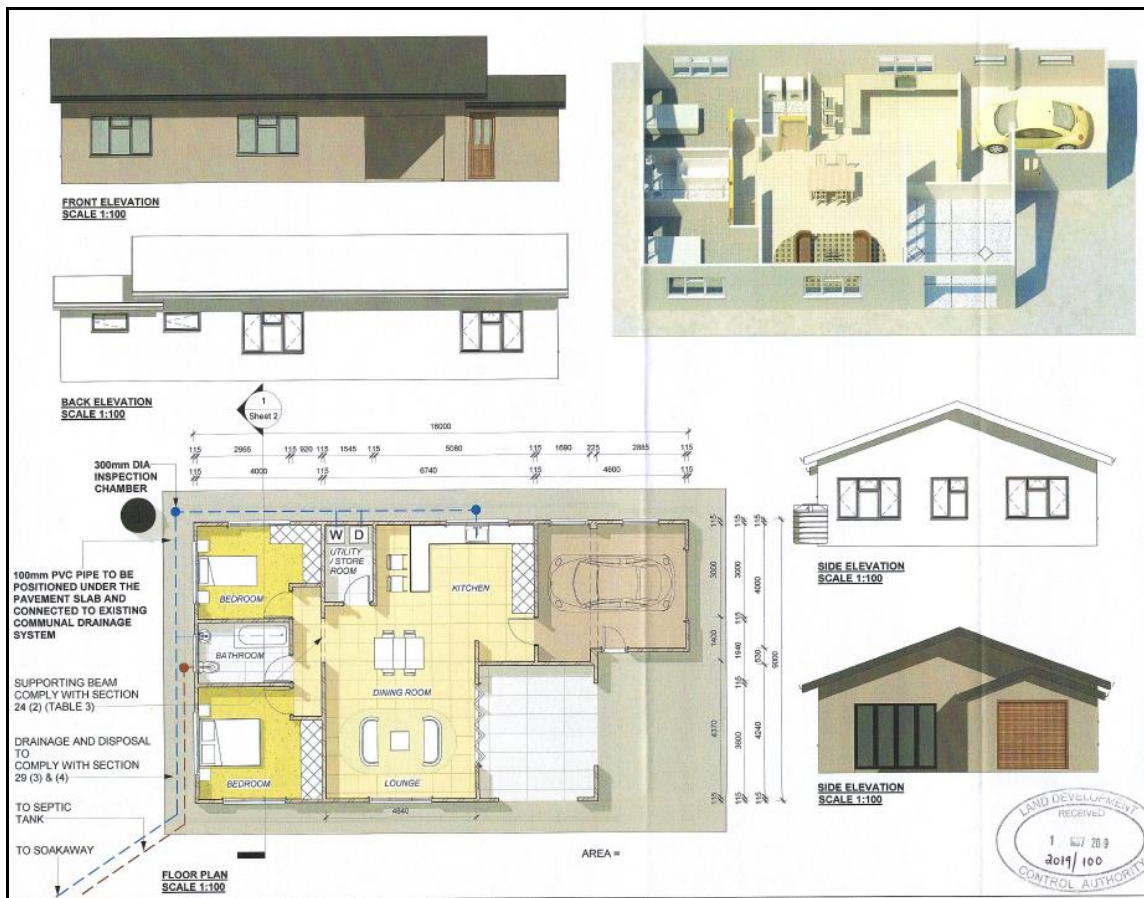




The dwelling will measure approximately 129m² in footprint, where it has been positioned centrally on the western side of the plot. The floor layout will comprise an attached garage and patio on the northern elevation, which will serve as the principle entrance into the main living area. An open planned kitchen, dining area and lounge is proposed, with a shared bathroom and two bedrooms at the southern elevation.

The appearance of the dwelling will be similar to those in the surrounding area, being of single storey design. A gable roof is proposed consisting of IBR sheeting, although no colour has been indicated this can be conditioned accordingly. External walls will be of rendered concrete blockwork.

Diagram 3: Floor Layout & Elevations



Space has been made available for car parking at the beginning of the track. On-site manoeuvrability can be achieved. No material has been indicated, however a permeable should be considered to assist with rainwater-runoff.

There is water and electricity connection within the area. Sewage has been proposed via a septic tank soakaway. Although no percolation test was submitted with the application, due to the size and nature of the land, the soak away should not pose any risk to contaminating any neighbouring property and will be within the applicant's boundary.

POLICY CONSIDERATION

The proposed development is assessed against the LDCP Policies set out below:

- Green Heartland: Policies GH1, GH3, HG5 and GH6
- Intermediate Zone: Policies IZ1 (a, b, f, g and h)
- Housing: Policy H9
- Water: Policy W2
- Sewage, storm and Drainage: Policies SD1 (b, c), SD3, SD.4 and SD7
- Road and Transport: Policies RT1 (c and d), RT3 and RT7

OFFICER ASSESSMENT

The appearance of the building will be similar to those in the area and complies in terms of siting, scale, proportion, details and external materials complies with the housing policy H.9 and IZ1(a) and therefore can be supported.

As set out earlier in the report (Section C: Planning Officer's Appraisal (Locality and Zoning), this proposed development is not supported by the Green Heartland Policies of the LDCP, The LDCP Review Working Group, reviewing the development plan, is minded to make exemptions in the emerging LDCP 2020, to those land owners who prior to 2012 Green Heartland boundary change purchased land in the Intermediate Zone to build their house. In view of this decision by the LDCP Review Working Group that affords exemption in the Emerging LDCP 2020, this is considered as material consideration to the Green Heartland Policies of the current 2012 LDCP, and that development permission should be granted for a residential property in respect of this development application.

D. RECOMMENDATION: That Development Permission be **GRANTED** subject to the following Conditions:

- 1) This permission will lapse and cease to have effect on the day, 5 years from the date of this Decision Notice, unless the development has commenced by that date.

Reason: required by Section 31(2) of the Land Planning and Development Control Ordinance 2013.

- 2) Prior to development commencing, a letter of approval from the Highway's Authority allowing access onto the development site shall be submitted for record purposes.

Reason: to ensure safe vehicular access onto and from the main road.

- 3) Prior to development commencing, percolation test results must be submitted for the approval by the Chief Planning Officer.

Reason: to accord with LDCP Policy SD.4

- 4) The development shall be implemented in accordance with the details specified on the Application Form; Site Layout, Floor & Elevation Plans (DWG No. NB01/15, NB02/15 & NB03/15) received on 1st November 2019 as stamped and approved by the Planning Officer, on behalf of the Land Development Control Authority, subject to the Condition of this Decision Notice and unless the prior written approval is obtained for an amendment to the approved details under Section 29 of the Land Development Control Ordinance, 2013.

Reason: Standard condition to define the terms of the development and to ensure that the development is implemented in accordance with the approved.

- 5) This Development Permission does not confer approval under the Building Control Ordinance. Please consult with the Building Inspector(s) to find out whether building regulations approval is required, prior to the development commencing.

Reason: to ensure development is carried out in accordance with the Building Control Ordinance 2013.

- 6) **Site Verification:** All site boundaries, the extent of building(s) footprint and the extent of proposed re-grade of land shall be surveyed, set out and pegged clearly by the developer for verification by the Building Inspectors before commencement of development and verified again following initial earthworks.

Reason: To comply with the requirements of Policies IZ1 and H9, in the interests of orderly layout siting and design; to establish and ensure accurate setting out; to reduce cut into slope, protect services and to avoid possible encroachment onto adjoining properties.

- 7) Dust monitoring on site shall be undertaken on a daily basis. In the event that dust is at any time generated that is likely to travel outside of the site and

towards neighbouring properties the following mitigation measures shall be taken:

- The erection of dust screens
- The damping down of materials that have the tendency to be carried by the wind
- Reducing the speed of site operated machinery
- In the event of adverse dry and windy weather conditions, site operations should be temporarily restricted or suspended

Reason: To assist the control and limitation of environmental particulate pollution.

- 8) **Construction Practices:** During construction of the development, no obstruction shall be caused on any public road and prior to occupation of the development the developer shall reinstate damage to any public road and other public or private infrastructure arising from implementation of the development permission.

Reason: To ensure safe vehicular access and reinstate damage to public infrastructure arising directly from the approved development in accordance with LDCP IZ1 (g).

- 9) All Regraded Land (including fill-faces and cut-faces) to be appropriately vegetated and landscaped, within a year following construction.

Reason: to ensure that the development blends into the natural landscape and that soil be effectively re-used in garden areas in accordance with LDCP IZ1 (h).

- 10) The proposed dwelling shall not be occupied until its Foul Drains (to include both black & grey water) have been completed, approved and connected to an effective Septic Tank and Soakaway System. The system to be appropriately designed based on:

- i) Percolation test results submitted.
- ii) Standard engineering design principles to be endorsed by the Building Inspectors.
- iii) All parts of the sewerage system, including any septic tank and pipework to be laid underground, apart from access covers and vents unless otherwise agreed with the Chief Planning Officer in collaboration with the Building Inspectors.
- iv) The septic tank shall have a minimum internal capacity of 2700 litres (2.7³).

Reason: To avoid creating pollution and to accord with LDCP policies SD1 and SD7.

- 11) Occupation of the development is not permitted until it is adequately served by a potable water supply, adequate energy supply as well as a foul drainage system, as approved by the Building Inspectors in consultation with the Chief Planning Officer.
Reason: To accord with LDCP IZ1, SD1, RT7 and W3.
- 12) **Roof Water Practices:** No Roof Water or other Surface Water shall be connected to or directed to any foul drain. Roof water shall be piped to storage tanks of minimum capacity 450 litres with overflow to landscaped areas.
Reason: to conserve rainwater and to avoid overloading the Septic Tank, in accordance with LDCP SD1.
- 13) The Driveway to the new dwelling from the existing roadway (as indicated on the Site Layout Plan), to be appropriately formed (in accordance with the Island's Roads Policy) and surfaced (preferably with a permeable surface material) sufficient for use by normal passenger cars and emergency vehicles.
Reason: to ensure that the dwelling has adequate access in accordance with LDCP RT1 (d).
- 14) **Stormwater Practices:** Stormwater should be managed on site and not allowed onto the public roadway or neighbouring properties.
Reason: To protect public and private amenity and accord with LDCP SD1.
- 15) Any External Lights shall be designed and sited so that they do not emit light at or above the horizontal and the light source shall not be visible beyond the site boundaries.
Reason: to protect the Dark Skies status of St Helena in accordance with LDCP E8.
- 16) The Colour of Roofs shall be dark slate grey.
Reason: to blend the building into the landscape, in accordance with the Adopted Policy on Colour of Roofing Materials.

Please note that the LDCA, Planning and Building Control Division nor any of its employees warrant the accuracy of the information or accept any liability whatsoever neither for any error or omission nor for any loss or damage arising from interpretation or use of the information supplied by your Designer/Contractor.

Right of Appeal: If you are aggrieved by this decision you may, within 28 days of the date of this Notice, appeal to the Land Development Appeals Tribunal, with payment

of a fee of £150, addressed to the Clerk of the Tribunal, using the prescribed form which is available from this office.